IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 27187 of 2007(J)

PETITIONER:

KAUSALYA @ KAUSU, AGED 78 YEARS,
W/O.KRISHNAN, 5/2538, ELAVANAPARAMBIL,
KALATHILKUNNU DESOM AMSOM, KOZHIKODE TALUK.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS:
---

1. COMMISSIONER OF POLICE, KOZHIKODE.

2. CIRCLE INSPECTOR OF POLICE, NADAKKAVU
POLICE STATION, KOZHIKODE.

3. SUB INSPECTOR OF POLICE, NADAKKAVU
POLICE STATION, KOZHIKODE.

4. BHASKARAN ALIAS VASU, ABOUT 60 YEARS,
SREEHARI MOTORS, NEAR MALABAR CHRISTIAN
COLLEGE, WAYANAD ROAD, CALICUT-1.

BY ADV. SRI.P.V.KUNHIKRISHNAN
Government Pleader MR.P A SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 TRUE COPY OF THE PETITION DATED 4.8.2007 FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT

EXT.P2 TRUE COPY OF THE PETITION DATED 19.08.2007 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT

EXT.P3 TRUE COPY OF THE PETITION DATED 8.9.2007 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT

EXT.P4 TRUE COPY OF THE RELEVANT PAGE OF THE VOTERS LIST ISSUED IN 2006

TRUE COPY

PA TO JUDGE

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) No.27187 of 2007-J

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that the 4th respondent is threatening her life, when she goes to her residential building.

2. The 4th respondent has filed a counter affidavit, stating that in the suit filed for family partition, the property claimed by the petitioner has been allotted to Smt.Yamuna and the 4th respondent's wife and therefore, the petitioner has no right over the said property.

3. The learned Government Pleader upon instruction submitted that this being a family dispute, the Police did not interfere in the matter. Having regard to the nature of the dispute, this Court is not justified in ordering police protection. If the petitioner has got any right over the property, she can move the civil court and get appropriate orders. The civil court has got powers to address the police also to help the petitioner to enforce its orders. Accordingly, the Writ Petition is closed without prejudice to the contentions of both sides regarding the right over the disputed property.

K.BALAKRISHNAN NAIR,JUDGE

26.11.2007

K.P.BALACHANDRAN, JUDGE

sta